

1 ROBERT KANE (CSB No. 71407)
2 LAW OFFICES OF ROBERT KANE
3 870 Market Street
4 San Francisco California. 94102
5 Tel: (415) 982-1510; Fax: (415) 982-5821
6 Rkane1089@aol.com

7 PAUL B. COHEN (State Bar No. 148371)
8 LEGAL AID OF MARIN
9 30 NORTH SAN PEDRO ROAD
10 SAN RAFAEL, CALIFORNIA 94903
11 Tel: (415) 492-0230; Fax: (415) 492-0947

12 SHIRLEY HOCHHAUSEN (CSB No. 145619)
13 COMMUNITY LEGAL SERVICES IN
14 EAST PALO ALTO
15 2117-B University Avenue
16 East Palo Alto, CA 94303
17 Tel: (650) 326-6440; Fax:(650) 326-9722
18 S_Hochhausen@hotmail.com

19 Attorneys for Plaintiff
20 AUDREY MCNAMARA NEVIS

21 UNITED STATES DISTRICT COURT

22 NORTHERN DISTRICT OF CALIFORNIA, NORTHERN DIVISION

23 AUDREY MCNAMARA NEVIS,

CASE NO.: C 07 2568 MHP

24 Plaintiff,
25 vs.

~~(PROPOSED)~~ JUDGMENT PURSUANT
TO STIPULATION IN FAVOR OF
PLAINTIFF AUDREY MCNAMARA
NEVIS

26 WELLS FARGO BANK, et al.,

27 Defendants.
28 _____/

29 In accordance with the terms of the written Stipulation for Entry of Judgment in Favor
30 of Plaintiff Audrey McNamara Nevis and against Defendant John Spear only, filed on July 21,
31 2011.

32 THE COURT FINDS THAT:

33 1. Co-defendant Executive Financial Lending, Inc. ("Executive") was a
34 California corporation licensed as a real estate broker with the California Department of Real

Estate. Executive.

2. Executive fraudulently induced Plaintiff to refinance her home located at 16 Creekside Drive in San Rafael, California ("Home") knowing that she would not be able to afford the loan payments.

3. Defendant aided and abetted Executive's fraud by providing and allowing Executive, among others, to use his real estate license for compensation without providing proper supervision.

4. As a consequence of these and other omissions and fraudulent representations, the Property, in which the owner had equity of over \$300,000 at the time of the transactions at issue, was went into foreclosure in 2007 resulting in substantial damage to Plaintiff including but not limited to damages for emotional distress and the loss of her Home and its equity.

IT IS HEREBY ORDERED AND ADJUGED THAT:

1. Plaintiff shall recover from Defendant John Spear the sum of Seven Thousand Five Hundred Dollars (\$7,500) for compensatory and Two Thousand Five Hundred Dollars (\$2,500) in punitive damages, less credit of \$125.00, plus costs of suit and attorney fees in the amount of \$800.

2. This judgment is one for obtaining money by fraud, for fraud while acting in a fiduciary capacity and for willful and malicious injury by said Defendant John Spear as defined under 11 U.S.C. §523(a)(2), (4) and (6) of the United States Bankruptcy Code.

3. This judgment does not affect Plaintiff's claims against any remaining Defendants in this action.

Dated: July 21, 2011

